

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SECOND DAY — FRIDAY, APRIL 28, 1995

The house met at 11:40 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 244).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Alexander; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Seidlits; Telford.

Absent — Munoz; Saunders.

LEAVES OF ABSENCE GRANTED

On motion of Representative Rodriguez and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Rodriguez moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local and consent bills calendars which were considered on the previous legislative day.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Sadler on motion of Gallego.

LOCAL AND CONSENT BILLS CALENDARS ON THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

HB 824**HB 2574****HB 49****HB 283****HB 321****HB 331****HB 752****HB 771****HB 814****HB 865****HB 885****HB 1124****HB 1233****HB 1329****HB 1472****HB 1542****HB 1544****HB 1559****HB 1642****HB 1651****HB 1670****HB 1770****HB 1882****HB 2069****HB 2078****SB 1028****HB 2159****HB 2387****HB 2446**

HB 2579

HB 2610

HB 2625

HB 2673

HB 2687

HB 2726

HB 2732

HB 2790

HB 2842

HB 2943

HB 3031 (Hartnett - no)

HB 3061

HB 3062

HB 3075

HB 3109

HB 3171

HB 3183

SB 401

SB 561

SB 773

SB 792

SB 855

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of personal business:

Saunders on motion of Talton.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Smithee on motion of Driver.

LOCAL AND CONSENT CALENDARS - (consideration continued)

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendars were laid before the house, read third time, and passed by (Record 245): 136 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following bill number)

Yeas — Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker; Dukes.

Absent, Excused — Alexander; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Munoz.

SB 753 (136-0-2)

HB 32 (136-0-2)

HB 344 (136-0-2)

HB 1680 (136-0-2)

HB 1989 (136-0-2)

HB 2376 (136-0-2)

HB 2696 (136-0-2)

HB 2875 (136-0-2)

SB 323 (136-0-2)

(Speaker in the chair)

HR 735 - ADOPTED

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 735**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Giddings,

HR 735, Congratulating the members and officers of the African American Museum of Life and Culture on the occasion of the museum's 20th anniversary.

The resolution was adopted without objection.

SCR 129 - ADOPTED
(Coleman - House Sponsor)

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **SCR 129**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 129, Commending Hermann Hospital for its worthy accomplishments.

The resolution was adopted without objection.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Junell,

HB 3227, A bill to be entitled An Act Relating to creation of the County Court at Law No. 2 of Tom Green County.

To Committee on Judicial Affairs.

By Smithee,

HB 3228, A bill to be entitled An Act relating to the creation of economic development districts in certain counties; authorizing certain taxes.

To Committee on State Affairs.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committee:

By Saunders,

HR 705, Designating Elgin the Sausage Capital of Texas.

To Committee on Rules and Resolutions.

By Zbranek,

HR 707, In memory of Judge Dempsie Henley.

To Committee on Rules and Resolutions.

By Junell,

HR 710, In memory of Elmer Martin.

To Committee on Rules and Resolutions.

By R. Lewis,

HR 711, In memory of Casey Jones Peveto.

To Committee on Rules and Resolutions.

By Tillery,

HR 712, In memory of Dallas Police Senior Corporal Royce Dale Dickey.

To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 528 to Committee on State, Federal, and International Relations.

SB 597 to Committee on Insurance.

SB 598 to Committee on Insurance.

SB 625 to Committee on Ways and Means.

SB 942 to Committee on Natural Resources.

SB 1059 to Committee on Public Health.

SB 1090 to Committee on Criminal Jurisprudence.

SB 1106 to Committee on State Recreational Resources.

SB 1116 to Committee on Appropriations.

SB 1185 to Committee on Business and Industry.

SB 1221 to Committee on Transportation.

SB 1295 to Committee on State Affairs.

SB 1375 to Committee on Land and Resource Management.

SB 1390 to Committee on Ways and Means.

SB 1428 to Committee on State Affairs.

SB 1636 to Committee on Licensing and Administrative Procedures.

SB 1234 to Committee on Ways and Means.

SB 915 to Committee on State Affairs.

SB 1195 to Committee on Civil Practices.

SB 1231 to Committee on Pensions and Investments.

SB 1546 to Committee on Natural Resources.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Stiles moved to suspend all necessary rules to allow the Committee on Calendars to meet while the house is in session.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, at this time, speakers committee room.

SB 68 - REQUEST OF SENATE GRANTED

On motion of Representative Hochberg, the house granted the request of the senate for the appointment of a conference committee on **SB 68**.

SB 68 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 68**: Hochberg, chair, Farrar, Bailey, Place, and Puente.

SB 114 - REQUEST OF SENATE GRANTED

On motion of Representative Willis, the house granted the request of the senate for the appointment of a conference committee on **SB 114**.

SB 114 - APPOINTMENT OF CONFERENCE COMMITTEE

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 114**: Willis, chair, Rangel, Raymond, Ogden, and Naishat.

SB 128 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Greenberg submitted the conference committee report on **SB 128**.

Representative Greenberg moved to adopt the conference committee report on **SB 128**.

The motion prevailed.

HB 840 - WITH SENATE AMENDMENT

Representative Denny called up with a senate amendment for consideration at this time,

HB 840, A bill to be entitled An Act relating to the enforcement of the limitation on the amount that certain municipalities may retain from amounts collected for traffic violations.

On motion of Representative Denny the house concurred in the senate amendment to **HB 840**. (Danburg recorded voting no)

HB 840 - TEXT OF SENATE AMENDMENT**Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

Amend **HB 840** as follows:

(1) In SECTION 1, Section 144, subsection (f), insert the following language between the words "amounts" and "under":

"of 20 percent or more"

(2) In SECTION 1, Section 144, Subsection (f), delete the words "state treasurer" and substitute the word "state comptroller".

(3) In SECTION 1, Section 144, Subsection (g), delete the word "treasurer" and substitute the word "comptroller".

(4) Add a new SECTION 2 to read as follows:

"SECTION 2. Section 144, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsection (h) to read as follows:

"(h) If the state comptroller conducts an audit pursuant to subsection (g) and it is determined that the city is retaining more than 20% of the amounts under subsection (b) and has not complied with subsection (f), the city shall pay for the costs incurred by the state comptroller to conduct the audit."

(5) Renumber existing SECTION 2 to be SECTION 3.

HB 3229 - PERMISSION TO INTRODUCE

Representative Berlanga moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3229**.

A record vote was requested.

The motion prevailed by (Record 246): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Mowery; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Hudson; Moffat; Moreno; Munoz; Price.

**SB 1329 ON SECOND READING
(Brimer - House Sponsor)**

The speaker laid before the house, in lieu of **CSHB 2388**, on its second reading and passage to third reading,

SB 1329, A bill to be entitled An Act relating to the use of impact fees by a municipality.

The bill was read second time and was passed to third reading.

CSHB 2388 - LAID ON THE TABLE SUBJECT TO CALL

Representative Brimer moved to lay **CSHB 2388** on the table subject to call.

The motion prevailed without objection.

SB 12 ON SECOND READING
(Bosse - House Sponsor)

The speaker laid before the house, in lieu of **HB 1097**, on its second reading and passage to third reading, the complete committee substitute for **SB 12**.

CSSB 12, A bill to be entitled An Act relating to administrative hearings for the Texas Natural Resource Conservation Commission provided by the State Office of Administrative Hearings.

CSSB 12 was read second time.

Amendment No. 1

Representative Jackson offered the following amendment to **CSSB 12**:

Amend **CSSB 12** in SECTION 9 of the bill (house committee printing page 9, between lines 9 and 10) by inserting a new Subsection (c) to read as follows:

(c) In filling any administrative law judge position that is created in the natural resource conservation division of the State Office of Administrative Hearings under this Act, the chief administrative law judge of the State Office of Administrative Hearings shall consider the application of each applicant who, immediately before this Act takes effect, is employed as a hearings examiner of the Texas Natural Resource Conservation Commission before considering any other application for the position.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative R. Lewis offered the following amendment to **CSSB 12**:

Amend **CSSB 12** in SECTION 1 by adding a new subsection (i) to read as follows:

(i) (1) After hearing evidence and receiving legal argument, an administrative law judge shall make findings of fact and conclusions of law, and any ultimate findings required by statute, all of which shall be separately stated. The administrative law judge shall make a proposal for decision to the commission and shall serve the proposal for decision on all parties. An opportunity shall be given to each party to file exceptions to the proposal for decision and briefs related to the issues addressed in the proposal for decision. The commission shall consider and act on the proposal for decision.

(2) Except as provided in Section 361.0832, Health and Safety Code, as amended, the commission shall consider the proposal for decision prepared by the administrative law judge, the exceptions of the parties, and the briefs and argument of the parties. The commission may amend the proposal for decision, including any finding of fact, but any such amendment thereto and order shall be based solely on the record made before the administrative law judge. Any such amendment by the commission shall be accompanied by an explanation of the basis of the amendment. The commission may also refer the matter back to the administrative law judge to reconsider any findings and conclusion set forth in the proposal for decision or take additional evidence or to make

additional findings of fact or conclusions of law. The commission shall serve a copy of the commission's order, including its finding of facts and conclusions of law, upon each party.

(3) The provisions of Chapter 2001, Government Code, shall continue to apply to contested case hearings for the commission to the extent not inconsistent with this section.

Amendment No. 2 was adopted without objection.

CSSB 12, as amended, was passed to third reading.

HB 1097 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bosse moved to lay **HB 1097** on the table subject to call.

The motion prevailed without objection.

CSHB 3072 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 3072**.

CASHB 3072, A bill to be entitled An Act relating to the use of solid waste fee revenues.

CASHB 3072 was read second time on April 27 and was postponed until 10 a.m. today.

Representative Gallego moved to postpone consideration of **CASHB 3072** until the end of the bills on the calendar today on third reading.

The motion prevailed without objection.

SB 178 ON THIRD READING **(Chisum - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

SB 178, A bill to be entitled An Act relating to delay of the vehicle emissions inspection and maintenance program.

The bill was read third time.

Amendment No. 1

Representative Horn offered the following amendment to the bill:

Amend **CSSB 178** on 3rd reading by amending 2nd reading Amendment No. ____ by Horn as follows:

(1) In the heading to SECTION 1 of the substitute (page 1, line 4), after "Subsection (d)", insert the following new language "and Subsection (n)".

(2) In SECTION 1 of the substitute, Section 382.037, Health and Safety Code, strike the word "board" (page 2, line 25), and insert "Department of Public Safety".

(3) In SECTION 1 of the substitute, Section 382.037, Health and Safety Code, strike Subsection (n) (page 3, between line 2 and 3) and insert a new Subsection (n) to read as follows:

"(n) The board may conduct audits to determine compliance with this section ~~and with any vehicle emissions inspection and certificate programs under Sections 141 and 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).~~".

(4) In SECTION 2 of the substitute, Section 382.0371, Health and Safety Code, strike the word "commission" (page 4, line 3), and insert "Department".

(5) In SECTION 2 of the substitute, Section 382.0371, Health and Safety Code, strike the word "commission" (page 4, line 22), and insert "Department".

(6) In SECTION 2 of the substitute, Section 382.0371, Health and Safety Code, strike the word "commission" (page 4, line 26), and insert "Department of Public Safety".

(7) In SECTION 2 of the substitute, Section 382.0371, Health and Safety Code, strike the word "commission" (page 5, line 1), and insert "Department".

(8) In SECTION 2 of the substitute, Section 382.0371, Health and Safety Code, strike the word "commission" (page 5, line 4), and insert "Department".

(9) In SECTION 2, of the substitute, Section 382.0371, Health and Safety Code (page 4, line 22 and 23), strike "commission" and insert "department".

(10) In SECTION 2, of the substitute, Section 382.0371, Health and Safety Code (page 5, line 8), strike "Clean Air Act fees as defined by Section 382.0622" and insert "Motor Vehicle Inspection Fund 274".

(11) In SECTION 2 of the substitute, Section 382.0371(k), Health and Safety Code (page 6, after line 15) insert new Subsections (4) and (5) to read as follows:

"(4) "Department" means Texas Department of Public Safety.

(5) "Commission" means Texas Natural Resource Conservation Commission".

(12) In SECTION 3 of the substitute, Section 382.038, Health and Safety Code, is amended by substituting a new "SECTION 3." to read as follows:

"SECTION 3. Section 382.038, Health and Safety Code, is amended by amending Subsections (a), (b), (d), and (e) to read as follows:

(a) The Department of Public Safety ~~board~~ by rule shall adopt standards and procedures for establishing vehicle emissions inspection stations authorized and licensed by the state.

(b) A vehicle emissions inspection may be performed at a decentralized independent inspection station or at a centralized inspection facility operated or licensed by the state. In developing the program for vehicle emissions inspections, the Department of Public Safety ~~board~~ shall make all reasonable efforts to preserve the present decentralized system.

(d) The Department of Public Safety ~~board~~ may authorize enforcement personnel or other individuals to remove, disconnect, adjust, or make inoperable vehicle emissions control equipment, devices, or systems and to operate a vehicle in the tampered condition in order to perform a quality control audit of an inspection station or other quality control activities as necessary to assess and ensure the effectiveness of the vehicle emissions inspection and maintenance program.

(e) The Department of Public Safety ~~board~~ shall develop a challenge station program to provide for the reinspection of a motor vehicle at the option of the owner of the vehicle to ensure quality control of a vehicle emissions inspection and maintenance system."

(13) In SECTION 6, of the substitute, amend Section 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) (on page 9, line 21), by striking "The Texas Natural Resource Conservation Commission" and insert "department".

(14) In SECTION 6, of the substitute, amend Section 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) (on page 9, lines 26 and 27), by striking "at the request to the Texas Natural Resource Conservation Commission, the" and insert "The".

(15) In SECTION 6, of the substitute, amend Section 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) (on page 10, line 3), by striking "Texas Natural Resource Conservation Commission, the" and insert "Department".

(16) In SECTION 6, of the substitute, amend Section 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) (on page 10, lines 6 and 7), by striking "Texas Natural Resource Conservation Commission" and insert "Department".

(17) In SECTION 6, of the substitute, amend Section 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) (on page 10, lines 16 and 17), by striking "Texas Natural Resource Conservation Commission" and insert "Department".

(18) In SECTION 8, of the substitute, amend Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) (beginning on page 12, line 27), by striking "Texas Natural Resource Conservation Commission" and insert "Department".

(19) In SECTION 8 of the substitute, amend Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) (on page 11, lines 22 and 23), by striking "by the Texas Natural Resource Conservation Commission" and inserting "Department".

(20) In SECTION 8 of the substitute, amend Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) (on page 13, line 5 and line 6) by striking "Texas Natural Resource Conservation Commission" and inserting "Department".

(21) In SECTION 8 of the substitute, Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by amending Subsection (h) to read as follows:

"(h) The Public Safety Commission shall continue to administer the motor vehicle emissions inspection and maintenance program instituted under this Act until the date that a vehicle emissions inspection program administered by the Texas Natural Resource Conservation Commission is implemented in accordance with the federal Clean Air Act. The executive director of the Texas Natural Resource Conservation Commission shall notify the Public Safety Commission of the date on which the vehicle emissions inspection program administered by the Texas Natural Resource Conservation Commission will become effective the vehicle emissions inspection and maintenance program administered by the Department of Public Safety is suspended or discontinued, at the direction of the governor under Section 382.037(a-1), Health and Safety Code. The department may reestablish a program in accordance with Subsection (d) or (d-1) of this section or otherwise as directed by the governor under Section 382.037(a-1), Health and Safety Code.

(22) In SECTION 11 insert a new Subsection (c) to read as follows:

(c) All requirements established under Section 382.037(d), Health and Safety Code, that prevent a vehicle from receiving a vehicle inspection certificate in accordance with 6675-a2, Uniform Act Regulating Traffic on Highways (Vernon's Texas Civil Statutes), shall be suspended until the Department of Public Safety has reinstated the vehicle emissions inspection and maintenance program.

(23) In SECTION 2, of the substitute, Section 382.0371(j), Health and Safety code (page 5, after line 25), insert a new Subsection (4) to read as follows:

"(4) is a circus vehicle".

(24) In SECTION 2, of the substitute, Section 382.0371, Health and Safety Code (page 5, after line 25), insert a new Subsection to read as follows:

"(1) The Department may exempt from this section fleet vehicles registered in a nonattainment area that operate exclusively outside the area."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Horn offered the following amendment to the bill:

Amend **CSSB 178** on 3rd reading by amending 2nd reading Amendment No. ____ by Horn as follows:

Following SECTION 10 of the substitute, add a new SECTION to read as follows:

"SECTION ____ . Any change or amendment to the vehicle emissions inspection and maintenance program allowed or contemplated by this Act, including any change or amendment to that program negotiated and agreed to by the governor:

(1) is an amendment or repeal of that program under any contract for implementation of that program;

(2) does not constitute a default by the state under a contract for implementation of that program;

(3) is not a waiver of the state's defenses available under law or under any existing contract for the implementation of that program; and

(4) does not waive the state's sovereign immunity or any defenses available to the state.

Amendment No. 2 was adopted without objection.

A record vote was requested.

SB 178, as amended, was passed by (Record 247): 121 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg;

Holzhauser; Horn; Howard; Hunter, B.; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kuempel; Lewis, G.; Longoria; Luna; Madden; McCall; McCoulskey; McDonald; Moreno; Mowery; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna; Rhodes; Rodriguez; Rusling; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Coleman; Danburg; Dukes; Johnson; Kubiak; Maxey; Naishtat; Raymond.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Alvarado; Greenberg; Hudson; Lewis, R.; Marchant; Moffat; Munoz; Place; Price.

STATEMENT OF VOTE

When Record No. 247 was taken, I was temporarily out of the house chamber. I would have voted yes.

Marchant

SB 776 ON THIRD READING (Junell - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 776, A bill to be entitled An Act relating to an emergency appropriation from the waste tire recycling fund to the Texas Natural Resource Conservation Commission for the fiscal year ending August 31, 1995.

A record vote was requested.

The bill was read third time and was passed by (Record 248): 129 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzhauser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Serna; Shields; Siebert; Solis; Solomons; Staples; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Conley; Dukes; Ehrhardt; Hudson; King; Munoz; Price; Ramsay; Stiles.

The speaker stated that **SB 776** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Conley on motion of S. Turner.

SB 279 ON THIRD READING (Junell - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 279, A bill to be entitled An Act relating to the identification of inmates of the Texas Department of Criminal Justice and other convicted persons as illegal criminal aliens.

A record vote was requested.

The bill was read third time and was passed by (Record 249): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Conley; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Culbertson; Dukes; Edwards; Hudson; Munoz; Naishtat; Price.

SB 403 ON THIRD READING (Junell - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 403, A bill to be entitled An Act relating to the occupation tax imposed on attorneys.

A record vote was requested.

The bill was read third time and was passed by (Record 250): 126 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Ehrhardt; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Longoria; Wilson.

Present, not voting — Mr. Speaker(C); Eiland.

Absent, Excused — Alexander; Conley; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Allen; Combs; Dukes; Edwards; Gray; Hudson; Munoz; Price.

STATEMENT OF VOTE

I was shown voting no on Record No. 250. I intended to vote yes.

Longoria

SB 897 ON THIRD READING (Patterson - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 897, A bill to be entitled An Act relating to a review of Texas' programs to research, control, and eradicate animal tuberculosis and to implementing an improved program based on the review.

A record vote was requested.

The bill was read third time and was passed by (Record 251): 131 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg;

Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Conley; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Clemons; Edwards; Hudson; Junell; Munoz; Price.

HB 2731 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 2731, A bill to be entitled An Act relating to oil and gas production research and information, including the Texas Experimental Research and Recovery Activity; providing administrative, civil, and criminal penalties.

The bill was read third time.

Amendment No. 1

On behalf of Representative Craddick, Representative Holzheuser offered the following amendment to the bill:

Amend **HB 2731**, on page 8, as follows:

(1) by adding a new subdivision (2) to Sec. 93.013(a) to read as follows:

(2) written notice of the possible acceptance of the wellbore into TERRA has been provided to all present possessory mineral interest owners in the tract on which the wellbore is located.

(2) Renumber the subsequent subdivisions accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Cook offered the following amendment to the bill:

Amend **CSHB 2731** on 3rd reading, Page 7 line 22 by inserting between "mineral" and "interest" the following: or surface and on line 34, page 7 between "mineral" and "interest" the following: or surface

Amendment No. 2 was adopted without objection.

HB 2731, as amended, was passed. (Cook, Kubiak, and Ogden recorded voting no; Finnell, present, not voting)

REASON FOR VOTE

CSHB 2731: I oppose this legislation because it authorizes the Railroad Commission to take without compensation private property rights.

Cook

HB 2866 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 2866, A bill to be entitled An Act relating to claims against a decedent's estate.

The bill was read third time and was passed.

HB 428 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 428, A bill to be entitled An Act relating to the civil liability of charitable organizations providing crime prevention or law enforcement services.

The bill was read third time and was passed.

HB 788 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 788, A bill to be entitled An Act relating to the authority of a municipality to create an industrial development corporation and to levy a sales and use tax to carry out the projects of the corporation.

The bill was read third time and was passed.

HB 1271 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1271, A bill to be entitled An Act relating to the Texas Peace Officers' Memorial Advisory Committee.

The bill was read third time and was passed.

HB 399 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 399, A bill to be entitled An Act relating to the authorization of an exemption from ad valorem taxation of boats and other equipment used in the commercial taking of fish, shrimp, shellfish, and other marine life.

The bill was read third time and was passed. (Danburg and Finnell recorded voting no)

HB 1979 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1979, A bill to be entitled An Act relating to the procedures for selling state property under the management and control of the Texas Board of Criminal Justice.

The bill was read third time and was passed.

HB 2349 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 2349, A bill to be entitled An Act relating to the regulation of sanitary landfills.

The bill was read third time and was passed. (Danburg and Hochberg recorded voting no)

HB 1059 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1059, A bill to be entitled An Act relating to notice in county deed records of the existence of a buffer zone required as a condition of a license or permit issued by the Texas Natural Resource Conservation Commission.

The bill was read third time and was passed.

HB 1586 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1586, A bill to be entitled An Act relating to certain agreements under a retail installment contract for the purchase of a motor vehicle.

The bill was read third time.

Amendment No. 1

Representative Hirschi offered the following amendment to the bill:

Amend **HB 1586** 2nd reading engrossment as follows:

On page 2, line 9, after "that fact." add "A charge added to a contract as provided by this section shall be reasonable."

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 1586, as amended, was passed by (Record 252): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzhauser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Conley; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Danburg; Edwards; Hudson; Munoz; Price; Turner, B.; Zbranek.

HB 1432 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1432, A bill to be entitled An Act relating to the staffing of certain emergency medical services vehicles.

The bill was read third time.

Amendment No. 1

Representative Berlanga offered the following amendment to the bill:

Amend **HB 1432** on third reading by striking Subection (a) and new Subsection (b) of Section 773.050, Health and Safety Code, and substituting the following:

(a) Each basic life-support emergency medical services vehicle when in service must be staffed by at least two individuals certified as emergency medical technicians [care attendants] or certified at a higher level of training. A county that relies on an all-volunteer emergency medical services staff, a county with a population of less than 75,000, or a medically underserved area is not requiried to staff an emergency medical services vehicle with certified emergency medical technicians if there is not a sufficent number available to provide that staffing. In that case, the vehicle must be staffed by at least two individuals certified as emergency care attendants.

Amendment No. 1 was withdrawn.

HB 1432 was passed. (Black, Chisum, Counts, Finnell, Hamric, Hawley, Hilbert, Kubiak, Kuempel, R. Lewis, Patterson, Solomons, and Uher recorded voting no)

HB 1193 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1193, A bill to be entitled An Act relating to the regulation of orthotists and prosthetists; providing a civil penalty.

The bill was read third time and was passed. (Kubiak recorded voting no)

HB 867 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 867, A bill to be entitled An Act relating to an automated system for providing reimbursements to nursing homes under the state Medicaid program.

The bill was read third time and was passed.

HB 886 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 886, A bill to be entitled An Act relating to the arrest, custody, and detention of a child alleged to have violated a curfew ordinance.

A record vote was requested.

The bill was read third time and was passed by (Record 253): 123 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Ehrhardt; Eiland; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Madden; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nay — Alvarado.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Conley; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Danburg; Edwards; Elkins; Hudson; Lewis, R.; Marchant; Munoz; Patterson; Pickett; Price; Turner, B.; Turner, S.; Williamson.

HB 823 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 823, A bill to be entitled An Act relating to the amount a hotel or motel may charge for a telephone call.

A record vote was requested.

The bill was read third time and failed to pass by (Record 254): 48 Yeas, 82 Nays, 1 Present, not voting. (The vote was reconsidered on Monday, May 1, and **HB 823** again failed to pass.)

Yeas — Brady; Carona; Carter; Corte; Crabb; Craddick; Culberson; Denny; Driver; Duncan; Eiland; Elkins; Farrar; Glaze; Grusendorf; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Janek; Junell; King; Krusee; Kuempel; Madden; McCall; McCoulskey; Moffat; Nixon; Oliveira; Park; Patterson; Raymond; Reyna; Shields; Siebert; Staples; Talton; Thompson; West; Wilson; Wolens; Woolley.

Nays — Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brimer; Chisum; Clemons; Coleman; Combs; Cook; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davis; De La Garza; Dear; Delisi; Dukes; Dutton; Edwards; Ehrhardt; Finnell; Gallego; Giddings; Goodman; Goolsby; Gray; Greenberg; Haggerty; Hamric; Harris; Hawley; Hernandez; Hightower; Hochberg; Hudson; Hunter, B.; Jackson; Johnson; Jones, J.; Kamel; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McDonald; Moreno; Oakley;

Ogden; Pickett; Pitts; Price; Puente; Ramsay; Rangel; Rhodes; Rodriguez; Rusling; Serna; Solis; Solomons; Stiles; Swinford; Tillery; Torres; Turner, S.; Uher; Van de Putte; Walker; Williamson; Willis; Wohlgemuth; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Conley; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Jones, D.; Marchant; Mowery; Munoz; Naishtat; Place; Turner, B.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 254. I intended to vote no.

Culberson

I was shown voting yes on Record No. 254. I intended to vote no.

Hilbert

I was shown voting yes on Record No. 254. I intended to vote no.

Horn

I was shown voting yes on Record No. 254. I intended to vote no.

Reyna

I was shown voting yes on Record No. 254. I intended to vote no.

Talton

CSHB 3072 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 3072**.

CSHB 3072, A bill to be entitled An Act relating to the use of solid waste fee revenues.

CSHB 3072 was read second time on April 27, postponed until 10 a.m. today, and again postponed until this time.

Amendment No. 1

Representative Maxey offered the following amendment to **CSHB 3072**:

Amend **CSHB 3072** on page 2 by striking lines 9 and 10 and substituting the following:

"(6) conduct and administration of programs and activities of the office of waste minimization and recycling in an amount equal to at least 10 percent of the amount dedicated under this subsection [~~a statewide public awareness program concerning solid waste management~~];".

Amendment No. 1 failed of adoption.

Amendment No. 2

Representative Hirschi offered the following amendment to **CSHB 3072**:

Amend **CSHB 3072** on page 3, line 16, after the period, by adding the following: "At least 80 percent of the revenue distributed to the planning regions shall be passed through to counties and municipalities for municipal solid waste projects. Each planning region shall issue a biennial report to the Legislature detailing how the revenue is spent."

Representative Gallego moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 255): 109 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Berlanga; Black; Brimer; Carter; Chisum; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Eiland; Elkins; Farrar; Finnell; Gallego; Glaze; Goodman; Goolsby; Gray; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Nixon; Oakley; Ogden; Oliveira; Park; Pitts; Place; Puente; Ramsay; Rangel; Reyna; Rhodes; Rusling; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yost.

Nays — Alonzo; Bailey; Bosse; Davis; Ehrhardt; Giddings; Greenberg; Hirschi; Hochberg; Luna; Maxey; Naishtat; Raymond; Rodriguez; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alexander; Conley; Davila; Gutierrez; Hunter, T.; Rabuck; Romo; Sadler; Saunders; Seidlits; Smithee; Telford.

Absent — Brady; Carona; Danburg; Dukes; Hudson; Jones, J.; Munoz; Patterson; Pickett; Price; Turner, B.; Turner, S.

STATEMENT OF VOTE

When Record No. 255 was taken, I was in the house but away from my desk. I would have voted yes.

Danburg

CSHB 3072 was passed to engrossment.

HR 684 - ADOPTED

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 684**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Alonzo,

HR 684, Honoring the Multi-Ethnic Heritage Foundation's CUP Awards.

The resolution was adopted without objection.

RULES SUSPENDED

Representative Counts moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider **HB 3096**.

The motion prevailed without objection.

Representative Talton moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider **HB 1866**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judicial Affairs, on adjournment today, Desk 67, to consider **HB 2818**, **HB 2961**, **HB 3205**, **HB 3222**, and **HB 3214**.

Juvenile Justice and Family Issues, on adjournment today, Desk 31, to consider **HB 433**, **HB 1189**, **HB 1394**, and **SB 577**.

Public Health, on adjournment today, Desk 138.

Criminal Jurisprudence, on adjournment today, Desk 5.

Natural Resources, on adjournment today, Desk 9, to consider **HB 2139**, **HB 3189**, and **SB 1017**.

Business and Industry, on adjournment today, Desk 30, to consider those bills that are eligible.

Natural Resources, 3 p.m. or on adjournment Monday, May 1.

ADJOURNMENT

Representative Eiland moved that the house adjourn until 10 a.m. Monday, May 1, in memory of Dan Saunders, former sheriff of Martin County.

The motion prevailed without objection.

The house accordingly, at 1:31 p.m., adjourned until 10 a.m. Monday, May 1.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Agriculture and Livestock - **SB 372**

Appropriations - **HB 2022**, **SB 410**, **SB 768**

Business and Industry - **HB 2620**, **HB 2803**, **SB 529**, **SB 1281**

Corrections - **SB 46**, **SB 146**

County Affairs - **SB 1060**

Criminal Jurisprudence - **HB 1487**

Environmental Regulation - **HB 2491, HB 2944, HB 2945**

Higher Education - **HB 1214, HB 2187, HB 2314, HB 2486, HB 2507**

Human Services - **HB 2644**

Insurance - **HB 148, HB 1319, HB 2749**

Juvenile Justice and Family Issues - **HB 1274**

Land and Resource Management - **SB 14, SB 1369**

Licensing and Administrative Procedures - **HB 690, HB 1922**

Natural Resources - **SB 1606**

Pensions and Investments - **HB 2791**

Public Health - **HB 2838, SB 297, SB 351**

Public Safety - **HB 355, HB 581, HB 1209, HB 1268, HB 1379, HB 2543, HB 2614**

State Affairs - **HB 2987**

State Recreational Resources - **HB 1390, HB 1823, HB 1964, SB 733**

Transportation - **HB 371, HB 1838, HB 2389, HB 2516, HB 2517, HB 2775, HB 3208, SB 445, SB 560, SB 688**

Urban Affairs - **HB 613**

Ways and Means - **HB 1807**

ENGROSSED

April 27 - **HB 238, HB 523, HB 525, HB 1001, HB 1281, HB 1396, HB 1567, HB 1745, HB 1877, HB 2027, HB 2098, HB 2245, HB 2467, HB 2495, HB 2505**

ENROLLED

April 27 - **HB 1318, HCR 104**

April 28 - **HB 722**

SENT TO THE GOVERNOR

April 28 - **HB 722, HB 1318, HCR 104**

BLANK Page 1574